

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------------|---|----------------------------|
| ALISON SHEBEST | : | |
| Plaintiff, | : | CIVIL ACTION |
| | : | |
| V. | : | NO. 13-1904 |
| | : | |
| CITY OF PHILADELPHIA, et al. | : | JURY TRIAL DEMANDED |
| Defendants. | : | |
| | : | |

DEFENDANT, CITY OF PHILADELPHIA’S ANSWER
WITH AFFIRMATIVE DEFENSES

Defendant, City of Philadelphia, (Answering Defendant), by and through undersigned counsel, answers plaintiffs’ complaint as follows and asserts the following affirmative defenses:

1. The allegations in this paragraph constitute conclusions of law and/or plaintiff’s statement of the case and, therefore, require no response. To the extent that a response is required, denied.
2. Admitted as to jurisdiction
3. Admitted based upon current information and belief.
4. Admitted.
5. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
6. The allegations are denied as untrue, inaccurate and misleading.

7. The allegations in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent that a response is required, denied.

AS TO FACTUAL ALLEGATIONS

8. These allegations are denied as untrue, inaccurate and misleading.
9. These allegations are denied as untrue, inaccurate and misleading.
10. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
11. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
12. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
13. The allegations in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent that a response is required, denied.
14. These allegations are denied as untrue, inaccurate and misleading.
15. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.

16. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
17. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
18. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
19. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
20. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
21. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
22. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.

23. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
24. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
25. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
26. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
27. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
28. Admitted based upon current information and belief.
29. These allegations are denied as untrue, inaccurate and misleading.
30. These allegations are denied as untrue, inaccurate and misleading.
31. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.
32. Answering defendants have no knowledge or means of ascertaining the truth or falsity of the allegations respecting the injuries, sufferings and/or damages

alleged to have been sustained by plaintiff and the same are accordingly denied.

33. These allegations are denied as untrue, inaccurate and misleading.

34. These allegations are denied as untrue, inaccurate and misleading.

35. These allegations are denied as untrue, inaccurate and misleading.

36. The allegations in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent that a response is required, denied.

AS TO COUNT I

37. Answering defendant incorporates by reference paragraphs 1-36 of this Answer.

38. The allegations in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent that a response is required, denied.

39. Answering defendants have no knowledge or means of ascertaining the truth or falsity of the allegations respecting the injuries, sufferings and/or damages alleged to have been sustained by plaintiff and the same are accordingly denied.

40. These allegations are denied as untrue, inaccurate and misleading.

41. These allegations are denied as untrue, inaccurate and misleading.

42. These allegations are denied as untrue, inaccurate and misleading.

43. These allegations are denied as untrue, inaccurate and misleading.

44. These allegations are denied as untrue, inaccurate and misleading.

AS TO COUNT II

45. Answering defendant incorporates by reference paragraphs 1-44 of this

Answer.

46. The allegations contained in this paragraph are addressed to defendants other than the answering defendant. Therefore no further answer is required to the averments contained therein.

JURY DEMAND

47. Answering Defendant demands a jury trial.

WHEREFORE, answering Defendant denies liability upon all causes of action declared upon and demand judgment in their favor, plus interest and costs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiffs have failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The answering defendant asserts all of the defenses, immunities, and limitations of damages available to it under the “Political Subdivision Tort Claims Act”, and avers that the plaintiff’s remedies are limited exclusively thereto.

WHEREFORE, answering Defendant denies liability upon all causes of action declared upon and demand judgment in their favor, plus interest and costs.

Respectfully submitted,

/s/ Armando Brigandi

ARMANDO BRIGANDI

Divisional Deputy City Solicitor

City of Philadelphia Law Department

Civil Rights Unit

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

DATED: May 9, 2013

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| ALISON SHEBEST | : | |
| Plaintiff, | : | CIVIL ACTION |
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I, ARMANDO BRIGANDI, hereby certify that on this date, the foregoing **DEFENDANT, CITY OF PHILADELPHIA'S ANSWER WITH AFFIRMATIVE DEFENSES** was electronically filed and is available for viewing and downloading from the ECF system. A copy was also served upon the following individuals by first class mail, postage prepaid, as follows:

Paul Messing, Esq.
Kairys, Rudovsky, Messing & Feinberg
718 Arch Street, Suite 501S
Philadelphia, PA 19106

Counsel for Plaintiff

/s/ Armando Brigandi
ARMANDO BRIGANDI
Divisional Deputy City Solicitor
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

DATED: May 9, 2013